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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF: )  
)  
HAROLD D. SAVITZ AND )  
MANORS OF HIGHLAND PARK )  
CONDOMINIUM ASSOCIATION, )  
Complainant, )  
) No. 10-0598  
)  
COMMONWEALTH EDISON )  
COMPANY and CONSTELLATION )  
NEWENERGY, INC., )  
Respondent. )  
)  
Complaint as to )  
billing/charges in )  
Highland Park, Illinois. )

Chicago, Illinois  
September 19, 2012  
Met, pursuant to adjournment, at 2:34 p.m.,  
in Conference Room N-808, 160 North LaSalle Street,  
Chicago, Illinois.

BEFORE:  
Ms. Leslie Haynes, Administrative Law Judge

1 APPEARANCES:

2 Mr. Harold D. Savitz,  
3 1019 Deerfield Place,  
4 Highland Park, Illinois 60035,  
Complainant;

5 LAW OFFICES OF MARK L. GOLDSTEIN, P.C.,  
6 (3019 Province Circle,  
7 Mundelein, Illinois 60060,  
8 (847) 949-1340), by:  
9 MR. MARK L. GOLDSTEIN,  
10 mlglawoffices@aol.com,  
11 and

12 COMMONWEALTH EDISON COMPANY,  
13 (440 South LaSalle Street, Suite 3300,  
14 Chicago, Illinois 60605,  
15 (312) 394-3866), by:  
16 MS. ERIN BUECHLER,  
17 erin.buechler@comed.com,  
18 for the Respondent,  
19 Commonwealth Edison Company;

20 CONSTELLATION NEWENERGY INC.,  
21 (4300 Winfield Road,  
22 Warrenville, Illinois 60555,  
(630) 657-4449), by:  
MS. CYNTHIA BRADY,  
for the Respondent,  
Constellation NewEnergy, Inc.

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I N D E X

WITNESS	DX	CX	RDX	RCX	By Judge
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None.

E X H I B I T S

NUMBER	MARKED FOR ID	IN EVIDENCE
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None.

1 JUDGE HAYNES: Okay.

2 Pursuant to the direction of the  
3 Illinois Commerce Commission, I now call Docket  
4 10-0598. This is the complaint of Harold Savitz and  
5 Manors of Highland Park Condominium Association  
6 versus Commonwealth Edison Company and Constellation  
7 NewEnergy. May I have the appearances for the  
8 record, please? Starting with you, may I have your  
9 name and address?

10 MR. SAVITZ: Harold Savitz, 1019 Deerfield  
11 Place, Highland Park, Illinois.

12 Do you want my phone number?

13 JUDGE HAYNES: No, that's okay.

14 MR. SAVITZ: I thought you wanted to call me.

15 JUDGE HAYNES: I have your phone number.

16 Go ahead.

17 MS. BRADY: Cynthia Brady for Constellation  
18 NewEnergy, 4300 Winfield Road, Warrenville, Illinois,  
19 60555, (630) 657-4449.

20 MR. GOLDSTEIN: Mark Goldstein, Commonwealth  
21 Edison Company, 3019 Province Circle, Mundelein,  
22 Illinois, 60060. My telephone is (847) 949-1340.

1 And with me this afternoon is Erin Buechler of ComEd.

2 JUDGE HAYNES: Thank you.

3 Would somebody like to bring me up to  
4 date on what is going on with the -- what we  
5 discussed last time, which was that the parties seem  
6 to be settling? Has anything happened in that  
7 respect?

8 MR. GOLDSTEIN: I'd like to report to you,  
9 Judge, that on behalf of the Manors of Highland Park  
10 Condominium Association, Allen Kovin has executed the  
11 stipulation and joint motion to dismiss with  
12 prejudice. He has also informed me by letter that  
13 Mr. Savitz, who is here this afternoon, refuses to  
14 sign the stipulation to dismiss. And, therefore,  
15 since Mr. Savitz is not a proper party complainant, I  
16 would make an oral motion to dismiss Mr. Savitz as a  
17 complainant.

18 JUDGE HAYNES: Did you hear that, Mr. Savitz?

19 MR. SAVITZ: I heard that, but it bothers me  
20 because I'm the one who brought the action, and I let  
21 the condominiums in. I signed the agreement to let  
22 them in. I didn't have to.

1 JUDGE HAYNES: Before you say anything else,  
2 what -- and why is he not a proper party to the  
3 complaint?

4 MR. GOLDSTEIN: Well, because he is merely an  
5 owner of one of the condominiums and one of the  
6 buildings that are in question in the complaint.

7 JUDGE HAYNES: And --

8 MR. GOLDSTEIN: The Manors of Highland Park  
9 Condominium Association is the proper party  
10 complainant to this proceeding, and they've  
11 executed -- it is executed, a stipulation and joint  
12 motion to dismiss.

13 JUDGE HAYNES: Mr. Savitz, do you have a  
14 complaint regarding your personal ComEd account?

15 MR. SAVITZ: What did you say?

16 JUDGE HAYNES: Do you have a complaint  
17 regarding your personal ComEd account?

18 MR. SAVITZ: No. No.

19 JUDGE HAYNES: Okay.

20 MR. SAVITZ: The association -- because I think  
21 I have lived in this condominium longer than anybody  
22 else. I'm the one who brought about this extra

1 meeting that we're fighting about, and I'm the one  
2 that caught Edison double billing. And I've got a  
3 lot of papers here that I gave Mr. Kovin, and he  
4 never -- he never processed them, where I told him  
5 everything that happened, and it just -- actually,  
6 nobody -- nobody caught Edison except me. So I don't  
7 like the idea that they're saying I have nothing to  
8 do with this thing. I have everything to do with it.

9 JUDGE HAYNES: Mr. Goldstein?

10 MR. GOLDSTEIN: I agree that Mr. Savitz filed  
11 the initial complaint. He has no complaint with  
12 respect to his individual condominium unit as you  
13 pointed out to him. All of the other matters that  
14 deal with the association, all of the issues that  
15 were brought forward throughout these two years of  
16 proceedings have been resolved between Commonwealth  
17 Edison Company and the condominium association. That  
18 is the reason that Mr. Kovin executed the stipulation  
19 to dismiss.

20 I can tell you flat out that ComEd is  
21 not going to sign any extension agreement, and we're  
22 just done with this. We've done everything

1       imaginable out at the association with respect to the  
2       metering. Mr. Savitz is incorrect. There was never  
3       any double billing.

4               MR. SAVITZ: There was never any what?

5               MR. GOLDSTEIN: Double billing.

6               JUDGE HAYNES: What is Mr. Kovin's position at  
7       the -- I just don't recall.

8               MR. GOLDSTEIN: He's treasurer of the  
9       association.

10              MR. SAVITZ: He's the treasurer and the  
11       manager.

12              JUDGE HAYNES: And so he has the authority to  
13       sign for the condominium association?

14              MR. GOLDSTEIN: And he appeared at virtually  
15       every hearing that ever occurred here.

16              JUDGE HAYNES: I'm not -- I'm not disputing. I  
17       just don't remember exactly his position.

18              MR. GOLDSTEIN: Both with your Honor and the  
19       previous ALJ.

20              JUDGE HAYNES: And so, Mr. Savitz, what -- why  
21       do you think you have the authority to do something  
22       different than the condominium association?



1           MR. SAVITZ: Well, as I say, I initiated the  
2 whole thing. If I hadn't done that, Edison would  
3 still be double billing us. They would have never  
4 corrected their -- and the things that they did  
5 really bother me because it's so blatant. They deny  
6 it, but they can't prove to me that they didn't  
7 double bill.

8           JUDGE HAYNES: Have you seen the settlement  
9 agreement that -- the settlement that they've  
10 reached, ComEd and the condominium association?

11          MR. SAVITZ: You know, my --

12          JUDGE HAYNES: Have you seen --

13          MR. SAVITZ: -- hearing aids are not that good  
14 somehow.

15          JUDGE HAYNES: Have you seen the agreement  
16 between --

17          MR. SAVITZ: Yes, I saw the agreement. They  
18 wanted me to sign it. I will -- I will not sign  
19 it --

20          JUDGE HAYNES: Okay.

21          MR. SAVITZ: -- until we get the proper  
22 reimbursement.

1 JUDGE HAYNES: Okay.

2 And how about for Constellation?

3 What's the status of that?

4 MS. BRADY: Yes, your Honor. I wanted to let  
5 the parties know on the record, just to go through an  
6 administrative matter, it was via your Honor that  
7 actually brought Constellation into the complaint,  
8 that we were not an initial respondent. Due to some  
9 administrative problem apparently in the clerk's  
10 office, our agent for service of process was not  
11 served with that notification to appear initially.  
12 It appears that that particular order was served  
13 electronically, and our agent does not actually have  
14 an e-mail address.

15 We were notified via your Honor's  
16 ruling with respect to Mr. Goldstein's recent motion  
17 to dismiss, which was served via hard copy, that we  
18 actually had notice of this proceeding, after which I  
19 have filed my appearance. I had a telephonic  
20 conversation with Mr. Kovin who confirmed my  
21 understanding that Constellation NewEnergy had been  
22 informed informally by Commonwealth Edison of the

1 fact that the customer would like to speak with us  
2 about the account. We resolved the amounts that were  
3 due. Mr. Kovin indicated a number. And, in fact, in  
4 looking at it, our operations folks determined that  
5 the Manors of Highland Park was actually due a bit  
6 more than they had indicated. A check was cut, which  
7 was received. And it's my understanding, from  
8 speaking with Mr. Kovin, that the matter vis-a-vis  
9 the Manors of Highland Park and Constellation are  
10 settled. I confirmed with Mr. Savitz before we came  
11 in that that was his understanding as well.

12 JUDGE HAYNES: And --

13 MS. BRADY: Sorry. I have not had the  
14 opportunity as of yet, your Honor, to actually  
15 make -- do a formal stipulation and joint motion to  
16 dismiss for Constellation's portion of this but will  
17 do so before the next status hearing.

18 JUDGE HAYNES: Okay.

19 MR. SAVITZ: Can I ask one question? When did  
20 Constellation start their service?

21 MS. BRADY: I do not recall the answer to that  
22 other than the fact that it was beyond the two-year

1 administrative rule provision but that we did settle  
2 for charges going back to, I believe, the beginning  
3 of service with Manors of Highland Park.

4 JUDGE HAYNES: Okay.

5 And is Mr. Savitz a -- does he have an  
6 account with the company, or is this only strictly  
7 with Manors?

8 MS. BRADY: This is the Manors of Highland  
9 Park.

10 JUDGE HAYNES: Okay.

11 I think, based on what I've heard here  
12 today, that there -- that because the complainant is  
13 the Manors of Highland Park and not Mr. Savitz, that  
14 Mr. Savitz can't bring a complaint against the two  
15 energy companies on -- you don't have standing to  
16 speak for the Manors of Highland Park. You don't  
17 have the authority. And if it was your own personal  
18 complaint, yes, of course, you could do these things.  
19 But the fact that the Manors of Highland Park has  
20 settled with ComEd, is actually executing an  
21 agreement, and it appears to soon be doing that with  
22 Constellation, I don't see that there is anything to

1 go forward with here today or, in fact, at all at the  
2 commission. And I understand that you -- Mr. Savitz,  
3 you wouldn't agree with that. And so, therefore, I  
4 have to -- I'll be issuing a ruling granting the  
5 motion made by Mr. Goldstein to dismiss you, your  
6 complaint, and that will be in the form of a proposed  
7 order, which you may respond to, arguing -- or  
8 stating why you disagree with being dismissed. And  
9 other than that, I guess I'm waiting for a joint  
10 motion to dismiss between the Manors and  
11 Constellation.

12 Is there something else that needs to  
13 be addressed today? Is there something --

14 MR. GOLDSTEIN: I guess I have just one more  
15 comment, Judge.

16 JUDGE HAYNES: Sure.

17 MR. GOLDSTEIN: With respect to the stipulation  
18 and joint motion that has been entered into between  
19 Manors of Highland Park and Commonwealth Edison  
20 Company, I will be filing that stipulation with the  
21 Chief Clerk of the Commission.

22 JUDGE HAYNES: Okay.

1                   Mr. Savitz, did you have any questions  
2 about the process of how this is going to --

3           MR. SAVITZ: I'll tell you what my whole point  
4 is. I'm an owner. Edison's been stealing from us  
5 since 19 --

6           MR. GOLDSTEIN: I'm going to object to this,  
7 Judge. I've heard enough of this stuff for the last  
8 two years.

9           MR. SAVITZ: Okay.

10                   So --

11           JUDGE HAYNES: Okay. One at a time.

12           MR. GOLDSTEIN: I'm tired of hearing it. I ask  
13 that it be stricken from the record.

14           JUDGE HAYNES: Do you have a question about the  
15 process, Mr. Savitz?

16           MR. SAVITZ: Yes. It's never been completed.  
17 There are things that they did, costs that they  
18 burdened us with, of course. And as I say, I  
19 documented everything and gave it to Mr. Kovin  
20 because he was the treasurer, and it's never been  
21 brought up. They did things. I don't care. This  
22 two-year deal I don't understand because right now

1       you read in the papers every day about -- like one  
2       guy got -- was convicted the other day, did something  
3       37 years ago. Now, I --

4               JUDGE HAYNES: You know, I don't know what the  
5       settlement was between --

6               MR. SAVITZ: I made the arrangements in spring  
7       of 1983, which Edison never lived up to. And I feel  
8       that the condominium association and all of the  
9       owners, of course, are entitled to reimbursement for  
10      those -- let's call them errors. Let's not say  
11      stealing. We'll say errors.

12              JUDGE HAYNES: But it sounds, though, that you  
13      have a complaint with the board or the condominium  
14      association and what they've done, but it still  
15      doesn't give you the authority to bring a complaint  
16      on behalf of the board, the condominium association.

17              MR. SAVITZ: Well, they've been taking money  
18      from me, only a portion, for -- since 1983. And I  
19      think I'm entitled to ask for reimbursement from the  
20      association.

21              JUDGE HAYNES: And I encourage you to respond  
22      to my proposed order that is going to be granting the

1 motion and put in writing why you disagree with my  
2 ruling. And when you receive the proposed order from  
3 the commission, it will have the dates for doing  
4 that. And that will be something that you file with  
5 the clerk's office. And the commission, the five  
6 commissioners are the final say in this matter, and  
7 that is who will be reading what you file in response  
8 to my order. And there is always a possibility that  
9 they'll agree with you, so I encourage you to file a  
10 response to my order after you receive that.

11 MR. SAVITZ: But I created this monster. I was  
12 on the board.

13 JUDGE HAYNES: And -- okay. But you're not now  
14 is what the problem is.

15 MR. SAVITZ: That's of choice. I can be on the  
16 board at any time, but I don't want to.

17 JUDGE HAYNES: Okay.

18 Is there anything else?

19 MR. GOLDSTEIN: I have nothing else.

20 JUDGE HAYNES: Thank you. And, Mr. Savitz, I  
21 encourage you to file a response to my order. And  
22 based on the statements here that the Manors of



1 Highland Park has reached settlement with everybody  
2 and my decision regarding Mr. Savitz, I'm going to  
3 mark the record in this matter heard and taken.

4 Thank you.

5 MR. GOLDSTEIN: Thank you, Judge.

6 MS. BRADY: Thank you, Judge.

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8 (END OF PROCEEDINGS.)

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